



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ashkenazi et al. Docket No: 39780-2730P1C39 and  
39780-2730P1C67  
Serial No: 09/997641 & 09/989724 Group Art Unit: 1647  
Filed: Examiner: David Blanchard  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION OF LUC DESNOYERS, Ph.D.,**  
**AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,**  
**AUSTIN GURNEY, Ph.D., NICHOLAS PAONI, Ph.D., and WILLIAM I. WOOD, Ph.D.**  
**UNDER 37 C.F.R. §1.131**

We, Luc Desnoyers, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., Nicholas Paoni, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by PCT Patent Publication WO 98/32853 (Jacobs *et al.*, dated July 30, 1998).
3. The polypeptide designated as PRO1312 (SEQ ID NO:387) claimed in the above-identified application in the United States was sequenced and cloned prior to July 30, 1998.
4. At the time the PRO1312 polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, Ph.D., was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1312 polypeptide (SEQ ID NO:387) claimed in the above-identified application.

5. At the time the PRO1312 polypeptide was cloned and sequenced, one of the inventors, Audrey Goddard, Ph.D., was responsible for overseeing the sequencing of cDNAs encoding for novel polypeptides, including the PRO1312 polypeptide (SEQ ID NO:387) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA61873-1574 in the above-identified application, was identified as encoding the PRO1312 polypeptide.
7. The full length of the cDNA clone is shown in Figure 277 of the above-identified application. The full length of the PRO1312 peptide encoded by DNA61873-1574 is shown in Figure 278 of the above-identified application. The full-length PRO1312 polypeptide has 212 amino acid residues.
8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1312 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA61873-1574 (identified as "DNA-61873") and the full-length PRO1312 polypeptide encoded by DNA-61873. Both the DNA-61873 and the PRO1312 polypeptide sequences were obtained prior to July 30, 1998.
10. The DNA-61873 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 386 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 386 in the above-identified application is shown on page 1 of the GSeqEdit database report, and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 386 is shown on page 7 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 387 disclosed in the above-identified application.

13. The first 4 amino acid residues of the PRO1312 polypeptide (SEQ ID NO:387) encoded by the cDNA (DNA-61873) are also shown on page 1 of the GSeqEdit report and the remaining 208 residues appear on pages 2-4 of the report.
14. All activities listed under paragraphs 4-13 were completed prior to July 30, 1998. (See Exhibit A).
15. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

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Luc Desnoyers, Ph.D.

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Date

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Audrey Goddard, Ph.D.

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Date

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Paul J. Godowski, Ph.D.

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Date

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Nicholas Paoni, Ph.D.

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Date

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Austin Gurney, Ph.D.

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Date

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William I. Wood, Ph.D.

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Date

>Tuesday, December 21, 2004  
 >DNA61873 [Full]  
 >323 Sites [All Sites]  
 > Fri May 29 13:59:17 1998 [DNA61873], sjohnson  
 >proofread with phredphap by sjohnson 5/28/98

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      rnaI
sau3AI maeI
mboI/ndeII(dam-)
dpnII(dam-)
dpmI(dam+)
alwI(dam-) sau3AI
nlaIV xbaI mboI/ndeII(dam-)
haeIII/palI bfaI dpnII(dam-)
bglI(M.haeIII-) hpy188III taqI
tflI apoI sfiI eaeI bstYI/xhoII dpnI(dam+)
hinfI(M.taqI-) cfrI bamHI(M.mspI-) mnlI
mn-I taqI(M.claI-) haeIII/palI alwI(dam-)
hpyCE4V clai/bspI06 eaeI bsrI mspI(M.bamHI-)[M.haeIII-] taqI mluI accIII
bsgI bsajI bspDI(dam-) cfrI tspRI hpaII mnlI bstYI/xhoII mnlI drdI aflIII hpaII
1 AACTGCAOCT CGGTTCTATC GATTCGARTT CGGCCACACT GCGCGGATCC TCTAGAGATC CCTCGACCTC GACCCACGCG TCCGGAAGA AGTGTGTGGC
TTGACGTGGA GCCAAGATAG CTAGCTTAA GCGGCTGTA GCGGCTTAGG AGAFTCTAG GGAGCTGGAG CTGGGTGGC AGGCCTTCT TACARACCG
M L N
1
Insert begins here
^ORF

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GSeqEdit, DNA61873 [Full], page 1

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bsgi
scrFI[dcn-]
pspGI
mvaI mwoI
ecorII[dcn-]
dsaV[dcn-]
bstNI bstAPI
bssKI[dcn-]
apyl[dcn+]
sexAI hpyCH4V
trn9I mseI bsmAI aluI
hphI mwoI nlaIII hincII/hindII anaIII/draI ddeI hpy188I
101 TGTCTTTT TCTGGTACT GCCATTCAAG CTGAACCTTG TCAACAGGT GCAGAAATG CTTTAAAGT GAGACTTAGT ATCAGAACAG CTCTGGGAGA
ACGAGAAAAA AGACCACTGA CGGTAGTAC GACTTGAGAC AGTTGGTCCA CTTCTTTTAC GAAATTTCA CTCTGAATCA TAGTCTGTG GAGACCTCT
5 L F F L V T A I H A E L C Q P G A E N A F K V R L S I R T A L G D

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bciv-
scrFI[dcn-]
pspG-
nvaI
ecorII[dcn-]
dsaV[dcn-]
bstNI
bssKI[dcn-]
bsaJI mboII
ndeI apyl[dcn+] mboII mnlI mwoI aluI nlaIII earI/ksp632I tsp509I
20: TAAAGCATAT GCCTGGGATA CCATGGAAGA ATACCTCTTC ATAGCGATGG TAGCTTTTTC CATGAGAAA GTTCCCAACA GAGAGCAAC AGAAATTC
ACTTCGTACA CGGACCCATC GTTACTTCT TATGGAGAAG TTTCTGCTACC ATCGAAGAG GTACTCTTTT CAAGGGTGT CTCTTCGTG TCTTTAAGG
38 X A Y A W D T N E E Y L F K A M V A F S M R K V P N R E A T E I S

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GSeqEdit, DNA61873 [Full], page 2

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maeIII
bsrDI
nlaIII hpyCH4V nlaI hpyCH4V
301 CAATCCTAC TTGCAATGI AACCCAGAGG GTATCATCTT GGTTCGTGGT TACAGACCCCT TCAGAAAATC ACACCCCTTC TGCCTGTGAG GTGCAATCAG
GTACAGGATG AATCGTTACA TIGGCTCC CATAGTAAGA CCAACACCA ATCTCTGGGA AGTTTTTAG TGTGGGAGG ACGACAACCTC CAGCTTAGTC
71 H V L L C N V I Q R V S F N F V V T D P S K N H C L P A V E V Q S A

sau3AI
mboI/ndelII(dam-)
dpmII(dam-)
dpmI(dam+)
alwI(dam-)
mspI
hpaII
bsaNI
nlaI
avaI
niaIII
styI
ncoI
dsaI
btgI/bst
bsaJI
401 CCATAGAT GAACAAGAAC CGGTCAACA ATGCTTCTT TCTAATGAC CAATCTCTGG AATTTTAA ATCCCTTC ACATCTGCAC CACCATGGA
GGTATCITA CTCTCTCTG GCCTAGTCTT TACCGAAGAA AGATTACTG GTTTGAGACC TTAAATTTT TTAGGGAGG TGTGACGCTG GTGGGTACCT
105 I R M N K N R I N N A F F L N D Q T L E F L K I P S T L A P P M D

sau3AI tail
mboI/ndelII(dam-)
dpmII(dam-)
dpmI(dam+)
bstYI/xhoII mbo
alwI(dam-) maeII/hp
501 CCCATCTCTG CCCATCTGGA TTATATATC TGGTGTGATA TTTTGCTCA TCAATGTGC AATGCACTA CTGATTTTAT CAGGATCTG GCACGTAGA
GGTAGACAC GGTAGACCT AATATATAA ACCACACTAT AATACGTAGT AGTATCAACG TTAACGTGAT GACTAATAA GTCCCTAGAC CGTGTGATCT
138 P S V P I W I I I F G V I F C I I I V A I A L L I L S G I W Q R R

bspl286
bnyI hpy188III hpyCH4V hpyCH4V hpyCH4V

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GSeqEdit, DNA61873 [Full], page 3

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scrFI[dcm-]
pspGI
mvaI
ecori-[dcm-]
dsaV[dcm-]
bstNI
bsaKI[dcm-]
bsaJI
sau3AI tsp509I
mboI/ndeII[dam-]
dpmII[dam-]
dpmI[dam+]
bclII[dam-]
nlaIII muni/nfeI
nlaIII mniI alni[dam-] nlaIII
601 AGAAGAACA AAGAACCATC TGAAGTGAAG GAGGCTGAAG ATAAAGTGA AATGATGATC ACAATTGAAA ATGGCATCCC CTCTGATCCC CTGGACATGA
TCCTTCTTGT TCTTGGTAG ACTTCACCTA CTGGCACTTC TATTCACACT TTTGACTAG TGTTAACITT TACCGTAGGG GAGACTAGGG GACCTGTACT
171 R K N K E P S E V D D A E D K C E N M I T I E N G I P S D P L D M K

kcaI
tru9I hpy188III foki
aseI/asni/vspI nlaIII bstF5I
nslI msel sfaNI EspRI mniI mniI hphI mniI hpy188I eco57I
701 AGGGGGCAT ATTAATGATG CCTICATGAC AGAGGATGAG AGGCTCACC CTCTCTGAG GGCCTGTGTT CTGCTTCCCTC AGGAATTAAC ACATTTGTTT
TCCCCCGGTA TAATTAATAC GGAAGTACTG TCTCTACTC TCCGAGTGGG GAGAGACTTC CCGACACACA GACGAGGAG TCTTTTAATT TGTAAACAAA
205 G G I L M M P S O

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GSeqEdit, DNA61073 [Full], page 4

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fokI
3faNI
dcl bsl75I
ospCN- hpy188III
tsp45: cel-1/espI
maeII- b1p-1/bpu1102I
sau3AI
mbc-1/ndeII[dam-]
dplII[dam-]
dplI[dam+]
hphI mboII
tsp509I
apoI
801 CTGTGTGAC- GCTGAGCATC CTGAATATCC AAGAGCAGAT CATATATTTT GTTTCACCAT TCTTCTTTTG TATCAATTT TGRATGTGCT TGRAAGTGAA
GACACACTGA CGACTGTGTAG GACTTTPANG TTCTCGTCTA GTATATATAA CAAGTGGTA AGAAGAARAC ATATTTTAAA ACTTACACGA ACTTCACTT

pieI
mlyI
hinfI
bst4CI/hpyCH4III
tsp509I
alul hpy188III sspI sspI hpy188I
901 AAGCAATCAA TTATACCCAC CACACCCACT GAATCATAA GCTATTCAGG ACTCAATAA TTCTAAATA TTTTCTGAC AGTATAGTGT ATAAATGTGG
TTCTGTAGTT AATAIGGGTG GTTGIGGTGA CTTTGTATT CGATAAGTGC TGAGTTTAT AAGATTTTAT AAAGAAGCTG TCATATCACA TATTACACC

sau3AI ndeI
mboI/ndeII[dam-]
dplII[dam-]
dplI[dam+]
tru9I
mseI
n-ail-
1001 TCATGTGGTA TTGTAGTTA TCGATTTAAG CATTTTGA AATAAGATCA GGCATATGA TATATTTTCA CACTTCAAG ACCTAAGGA AAATAAATTT
ACTACACCAT AATCATCAAT AACTAATTC GTAAATCT TTAATCTAGT CCGTATACAT ATATANAAGT GTGAAGTTTC TGGATTCCCTT TTTATTTAAA

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GSeqEdit, DNA61873 [Full], page 5



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sau3AI
mbol/ndeII[dam-]
dpmII[dam-]
dpmI[dam+]
alwI[dam-]
nlaIV      sau3AI
bstXI/xhoII  mbol/ndeII[dam-]
bamHI       dpmII[dam-]
alwI[dam-]  dpmI[dam+]      ddeI

tspRI
bsrI

1101 TCCAGTGGAG AATACATATA ATATGCTGTA GAAATCATG AAAATGGATC CTTTGTGAG ATCACTTATA TCACCTCTGTA TATGACTTAAG TAAACAAAAG
AGGTCACCTC TTATGTATAI TATACCATAT CTTTAGTAAC TTTTACCTAG GAAPAACTGC TAGTGAATAT AGTGAGACAT ATACTGATTC ATTGTGTTTC

fokI      tsp509I
tsp509I   bstFSI      tsp509I      apol      bst4CI/hpyCH4II-   hp

1201 TGAGAAAGTAA TTATGTGAAA TGGATGGATA AAAATGGAAT TACTCATATA CAGGTGGAA TTTTATCCCTG TTATCAGACC AACAGTTGAT TATATATTTT
ACTCTTCAT- AATAACATTT ACCTACCTAT TTTTACCTTA ATGAGIATAT GTCCACCTT AAAATAGGAC AATAGTCTGG TTGTCACTA ATATATAAAA

tru9I
mseI

bsII      tsp509I   hincII/hindII   tsp509I      msel

1301 CTGAACATCA GCCCCTATA GGACAACTCT ATTGTGTGAC CATTCTTACA ATTGTGAAA GTCCAACTG TGCTAACTTA ATAAAGTANT AATCATCTCT
GACTTATAGT CGGGGATAT CCTGTTRAGA TAAACAACCTG GTRAAAGTGT TAAACATTT CAGGTTAGAC ACGATTGAAT TATTTCATTA TTACTAGAGA

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GseqEdit, DNA61873 [Full], page 6

pleI  
 mlyI  
 fnu4HI/bsoFI  
 haeIII/palI  
 ncrI thal  
 eagI/xmaIII/ecXI  
 eaeI fnuDII/mvni  
 cfrI bstUI  
 bsiEI hinfI  
 notI bsh1236I  
 fnu4HI/bsoFI  
 aciI aciI  
 tru9I  
 mseI  
 ahaIII/draI  
 1401 TTTTAAAAA AAAAAA AAAAAGGGCG GCGCGACTC TA  
 AAAAAA AAAAAA AAAAAA AAAAAA AAAAAA AAAAAA AAAAAA AAAAAA  
 AAAATTTT TTTTTT TTTTTT TTTTTT TTTTTT TTTTTT TTTTTT TTTTTT  
 TTTTTT TTTTTT TTTTTT TTTTTT TTTTTT TTTTTT TTTTTT TTTTTT

> length: 1462

accIII(TCCGA): 81  
 aciI(CCGC): 1448 1452  
 aflIII(ACRYGT): 76  
 ahaIII(TTTAA): 163 465 1402  
 aluI(AGCT): 189 252 940  
 allVI(GGATCANN): 45 46 57 422 584 685 1146 1147  
 apoI(RAATTY): 26 293 460 875 1095 1258  
 apyI(CCGG): 145 212 690  
 aseI(ATTAT): 711  
 asnI(ATTAT): 711  
 avaI(GWCC): 498

GSeqEdit, DNA61873 [Full], page 7